

WARRICK COUNTY COMMISSIONERS ORDINANCE #2012- 16

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY REGARDING PRECIOUS METAL DEALERS
OPERATING WITHIN WARRICK COUNTY, INDIANA**

WHEREAS, from time to time the residents of Warrick County may fall victim to criminal acts of conversion, theft, burglary, or fraud committed by others; and

WHEREAS, individuals committing acts of conversion, theft, burglary or fraud often attempt to liquidate unlawfully obtained property through local businesses; and

WHEREAS, to assist in the identification and conviction of persons or entities engaged in criminal activity, to recover property of Warrick County residents and to thwart criminal activity in the County, an Ordinance regulating transactions involving gems and precious metals is necessary; and

WHEREAS, enacting an Ordinance regulating transactions related to gems and precious metals has the support of the Warrick County Sheriff's Department; and

WHEREAS, the Warrick County Board of Commissioners has authority to implement regulations regarding the aforementioned subject matter pursuant to Home Rule under Indiana Code § 36-1-3.

**IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, AS FOLLOWS:**

**SECTION 1. ADDITION OF NEW SECTION TO THE CODE OF ORDINANCES OF
WARRICK COUNTY**

Title 11 "Business Regulations" is amended by adding a new Chapter numbered and entitled "Chapter 111: Precious Metals Dealers" which new chapter shall read as follows:

"CHAPTER 111: PRECIOUS METALS DEALERS

Section § 111.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Dealer. Any person who is engaged in the business of purchasing or offering, by advertisement or otherwise, to buy goods as part of their business enterprise.

Itinerant dealer. Any dealer as defined herein who has engaged or intends to engage in a temporary or transient business for profit conducted from a shop, room, hotel or motel room, or other premises for a time period of less than one (1) year.

Resident dealer. Any dealer as defined herein who has engaged or intends to engage in a permanent business for profit conducted from a fixed location in Warrick County, for a period of time of one (1) year or more.

Secondhand precious metals and gems. Any article, item, or goods, including coins, composed in whole or in part of gold, silver, platinum, diamonds, or other precious stones or metals, and which was previously used by any person for its manufactured purpose.

Section § 111.02 License Required; Fees.

(A) No person shall act as a secondhand precious metal and gem dealer without first obtaining a license therefor, as provided within this Chapter.

(B) There shall be an annual license fee of Fifty Dollars (\$50.00) imposed upon resident dealers. Licenses for resident dealers will be dated as of January 1st and will expire on December 31st of each year. Fees for licenses for resident dealers issued after January 1st shall be prorated quarterly.

(C) There shall be a daily license fee of Fifty Dollars (\$50.00) on the first day and Twenty-Five Dollars (\$25.00) per day thereafter imposed on itinerant dealers, up to a maximum annual fee of Two Thousand Five Hundred Dollars (\$2,500.00).

Section § 111.03 License Application Requirements.

(A) A completed application form shall be submitted to the Warrick County Sheriff's Department by the applicant at least five days prior to the issuance of the license.

(B) Each applicant for a license shall submit the following information on the application form:

- (1) The name of the applicant, including any previous names or aliases;
- (2) The name, local address, principal business address, physical description, and recent photograph of the individual who is applying for a license on behalf of the applicant, if the applicant is not an individual;
- (3) The local business address and principal business address of the applicant;
- (4) If the applicant is a partnership, the names and addresses of the partners;
- (5) If the applicant is a corporation, limited liability company, other recognized business entity recognized under the laws of the State of Indiana or any other state or unincorporated association, the names and addresses of the

Board of Directors, Members, the Registered Agent and the principal officers;

- (6) If the applicant is an individual, the applicant shall provide a recent photograph, a physical description, and a statement as to whether the applicant has been convicted of a crime; and if so, the nature of the offense and the punishment assessed therefor;
- (7) The applicant, or the applicant's representative if the applicant is not an individual, shall allow himself to be fingerprinted and such fingerprints shall be made a part of the application. Failure to cooperate in the fingerprint procedure shall be cause for denial of the license;
- (8) If the applicant has, within the last 18 months, as an owner, operator, partner, agent, or employee, been engaged in the purchase of precious metals or gems, the applicant shall provide the name and address of the entity with which he was associated. If the entity with which the applicant was associated conducted business in more than one location, the applicant shall provide the addresses of these locations.

(C) If the applicant fails or refuses to provide information required in the application form, the failure or refusal shall be sufficient cause to deny the license.

Section § 111.04 Bond Required.

(A) No person shall be issued a license under this chapter, until such person has provided a bond payable to Warrick County in the amount of One Thousand Dollars (\$1,000.00).

(B) Resident dealers may post a surety bond payable to Warrick County in the amount of One Thousand Dollars (\$1,000.00).

(C) Nonresident dealers and itinerant dealers shall provide a cash bond of One Thousand Dollars (\$1,000.00) payable to Warrick County.

Section § 111.05 Purchasing Regulations.

(A) A secondhand precious metal and gem dealer shall not buy goods from a minor (person under 18 years of age) without the written consent of a parent or guardian.

(B) A secondhand precious metal and gem dealer shall require picture identification from the seller prior to making payment to the seller. A State driver's license, State-issued I.D., United States Passport or United States Passport Card shall be required.

(C) The secondhand precious metal and gem dealer shall, at the time of making the purchase, require the signature and right thumbprint of the seller on the purchase card maintained by the licensee. If the seller does not have a right thumb, any other existing finger may be used. However, a clear print must be obtained. A secondhand precious metal and gem dealer shall maintain the records required in this chapter for a period of one year.

Section § 111.06 Reporting Requirements.

A person or entity engaged in the business of secondhand precious metal and gem dealing shall report to the Warrick County Sheriff's Department, by noon of the next business day, the following information:

(A) Name, address, date of birth, race, sex, and driver's license or State identification number of the person from whom the item is purchased;

(B) Date and time of the transaction;

(C) A full description of the item including brand name, model number, serial number, and engravings or markings.

(D) A separate report shall be made for each item purchased.

The information required above shall be reported to the Warrick County Sheriff's Department in a digital format provided by the Warrick County Sheriff's Department. The items must be held at least five business days from the reporting date prior to offering the items for sale.

The Warrick County Sheriff may, at any time, require the reporting to be done in an online format through a provider such as "Leads Online". In the event the Sheriff elects to require reporting to be effected through "Leads Online" or other similar web-based service, all persons or entities engaged in the business of second hand precious metal and gem dealing shall comply immediately upon receipt of written notice of such a requirement.

Section § 111.07 Resale of articles purchased.

Secondhand precious metals and gems purchased by a secondhand precious metal dealer and gem dealer shall not be resold or removed from the place of business of the secondhand precious metal and gem dealer for a period of five (5) days after a copy of the purchase report has been delivered to the office of the Warrick County Sheriff's Department.

Section § 111.08 Penalty.

(A) Anyone or any entity found to be in violation of any provision of this Chapter may be punished by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) for each individual violation of this section.

(B) In addition to any fine imposed, anyone or any entity found to have violated any provision of this Chapter shall also be responsible for filing fees, court costs and any reasonable attorney fees incurred by the County in pursuing an ordinance violation cause under this Chapter.

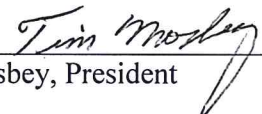
(C) The bond posted under Section §110.04 may be ordered forfeited to Warrick County by the court in which an action is brought for payment of any fines, costs or fees imposed by a court finding any violation of this Chapter.”

SECTION 3. This ordinance shall become effective thirty (30) days subsequent to passage and publication.

Dated this 9TH day of APRIL, 2012, by the Board of Commissioners of Warrick County, Indiana.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, STATE OF INDIANA THIS 9TH DAY OF APRIL, 2012.**

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



Tim Mosbey, President



Don Williams, Vice President




Marlin Weisheit, Commissioner

ATTEST:



L.B. Dugan
Warrick County Auditor

APPROVED AS TO LEGAL FORM:



S. Adam Long
LONG & MATHIES LAW FIRM
A Professional Corporation
County Attorney